

Social worker: Paula Maureen
Clayton

Registration number: SW43645

Fitness to Practise

Final Order Review Hearing

Date of Hearing: 11 April 2024

Hearing venue: Remote Hearing

Final order being reviewed:

Suspension order (expiring 18 May 2024)

Hearing Outcome: Impose a new order, namely a removal order, with effect
from the expiry of the current order

Introduction and attendees:

1. This is the second review of a final suspension order originally imposed for a period of 4 months by a panel of adjudicators on 21 June 2023.
2. Ms Clayton did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Gill Mullen	Chair
Christine Moody	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
William Hoskins	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 12 March 2024 and addressed to Ms Clayton at their address which they provided to Social Work England
 - An extract from the Social Work England Register detailing Ms Clayton's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 13 March 2024 the writer sent by email to Ms Clayton at the address referred to above: notice of hearing and related documents;
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rule 16 of the Fitness to Practise Rules 2019(as amended) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Clayton in accordance with Rules 43 and 44 of the 2019 Rules.

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Clayton that the review would take place as a meeting. The notice stated:

"If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 26 March 2024.

Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

8. The panel received no information to suggest that Ms Clayton had responded to the notice of final order review.
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."

10. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order

11. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
12. The current order is due to expire at the end of 18 May 2024.

The allegations found proved which resulted in the imposition of the final order were as follows:

"Whilst registered as a Social Worker:

- 1) *On 25 July 2019, you provided a false employment reference to Caritas Recruitment Agency;*
- 2) *Whilst seeking employment as a Social Worker with Tempest Resourcing, you signed a declaration in which you indicated you were not aware of any investigations against you when this was inaccurate, on;*
 - a. *On 19 January 2022, and*
 - b. *On 6 July 2021.*
- 3) *Your conduct at Allegation 1 and/or Allegation 2(a) and/or Allegation 2(b) above was dishonest.*

Your conduct at (1) – (3) above amounts to misconduct.

Your fitness to practise is impaired by reason of your misconduct.”

The final hearing panel on 21 June 2023 determined the following with regard to impairment:

The panel has heard that Ms Clayton has had a long career in social work and has never been before her regulator before. She told the panel that during the period of the allegations she was subject to very difficult personal circumstances.

Ms Clayton told the panel that her difficulties exerted considerable financial pressures on her, so that she was desperate to remain in employment in order to meet her financial commitments and retain her home. She told the panel on a number of occasions that she was in crisis and “acted blindly” without thinking properly. Ms Clayton, wrongly, allowed these personal matters, difficult as they were, to affect her judgment.

In relation to the alteration of the reference, Ms Clayton very quickly sought to rectify her actions. It was what might be described as a brief aberration. She has consistently accepted full responsibility for her action and demonstrated insight and remorse.

In relation to the second allegation, in her submissions at this stage, Ms Clayton indicated full acceptance of the panel’s findings of dishonesty. She expressed deep remorse and apology and has taken responsibility for her actions. The panel has observed that Ms Clayton’s acceptance of her actions and insight into her misconduct have developed significantly over the course of this hearing. Ms Clayton told the panel that she realises with hindsight that given her personal circumstances and state of mind, she should probably have removed herself from practice at that time. The panel took this to demonstrate a significant development in Ms Clayton’s insight.

The panel took into account that the misconduct occurred on three occasions over a period of time. However, Ms Clayton was subject to very difficult personal circumstances at this time and given the level of insight and remorse she has shown, the panel was satisfied that whilst some risk of repetition remains, it is a low risk.

The panel recognised that dishonesty can be difficult to remedy because it raises a question of character, and it is more difficult to produce objective evidence in order to demonstrate remediation. The panel concluded that whilst Ms Clayton's insight has developed considerably over the course of this hearing, the panel does not have evidence that this is fully developed. The panel considered that further reflection on her past actions is required.

Ms Clayton has not yet undertaken such steps as could be taken to remedy dishonesty. In her written submissions Ms Clayton set out: her intention to inform prospective employers of the Social Work England investigation; to read and peruse all documentation in relation to employment; not be pressured into signing anything without it being thoroughly read by themselves; to continue to work within the Social Work England professional standards 2019.

Ms Clayton accepted in her submissions that she now needs to take proactive steps to implement these actions. The panel concluded that remediation has not yet been adequately addressed in this case.

Taking all of these factors into account, the panel found that Ms Clayton's fitness to practise is currently impaired in respect of the personal element of impairment.

In respect of the public component of current impairment, the panel bore in mind that honesty and integrity are of paramount importance for social workers. A finding of dishonesty undermines public confidence in the profession. The public and other organisations, including employers, need to be able to rely on social workers to be open and honest in their dealings. The panel considered that the public would be concerned if a finding of impairment were not made in a case involving dishonesty by a social worker. The panel found that Ms Clayton's fitness to practise is impaired in relation to the public element of current impairment.

The previous final order review panel on 14 November 2023 determined the following with regard to continuing impairment

The panel noted that since the previous panel's determination Ms Clayton has not engaged in any meaningful way with Social Work England. She has not provided: any

evidence to demonstrate that she has taken further steps to undertake the recommendations outlined by the final hearing panel; a reflective piece addressing the issues raised in this case; any evidence of additional training or skills learned in a non-social work role; any testimonials or character references. Further, she has not demonstrated any additional insight or remorse for her actions and she has failed to provide the documentation requested of her in relation to her request for a postponement of the hearing on 06 October 2023. In the panel's view this went directly to the issues outlined in this case namely, Ms Clayton's honesty and integrity, and it concerned the panel that the evidence had not yet been furnished when requested.

The panel noted the substantive hearing panel's determination in respect of the public component of impairment. The panel was of the view that Ms Clayton remains impaired in respect of the public component. Ms Clayton's misconduct occurred some time ago and she has not provided any evidence of further training, which would satisfy the panel that she has addressed her conduct, nor has she provided evidence to demonstrate that she has not become de-skilled during this time. The panel is of the view that there remains a real risk to the public in these circumstances and that a finding of current impairment was required to maintain public confidence in the profession, which would be undermined should Ms Clayton be permitted to return to unrestricted practice.

The previous final order review panel on 14 November 2023 determined the following with regard to sanction:

Having determined that a conditions of practice order would not be appropriate, the panel next considered extending the current suspension order versus imposing a removal order. The panel considered these options very carefully.

The panel noted that a suspension order would provide the necessary public protection as it prevents Ms Clayton from working as a social worker. However, the panel also weighed this against the fact that Ms Clayton has, over the past 4 months, failed to provide any evidence of further insight or attempts at remediation and the panel was concerned that extending the current suspension order would not serve a

legitimate purpose in view of Ms Clayton's limited engagement in the proceedings thus far.

The panel also weighed these matters against the fact that Ms Clayton had, potentially, had some difficult family circumstances to navigate and it considered in view of this that it would be disproportionate to remove Ms Clayton from the Social Work England register at this time. In support of this view, the panel also noted that both Social Work England and Ms Clayton were requesting a 06-month extension to the current suspension order, in order to provide Ms Clayton with a further opportunity to engage with the proceedings and provide the documentation requested of her. Ms Clayton's email, dated 14 November 2023, also led the panel to conclude that Ms Clayton was willing to attempt to remediate her failings and the panel also considered the need to keep qualified social workers within the profession where it was safe and appropriate to do so.

Balancing public protection with Ms Clayton's own interests, the panel determined that it would afford Ms Clayton with a further opportunity to engage and that a removal order would be disproportionate at this time. In forming this view, the panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest and whilst this panel was of the view that a removal order was disproportionate at this time in view of the aforementioned, the panel also considered that a further reviewing panel may not share its view, if Ms Clayton does not engage in proceedings in a meaningful manner and furnish the documentation and further evidence requested of her.

The panel noted both Social Work England's and Ms Clayton's submission that the suspension order should be extended for 06 months. The panel determined that it is not in the public interest to extend the order unduly. It therefore determined that the appropriate order is to extend the current suspension order for a period of 06 months from the expiry of the current order. The panel considered that 06 months would provide Ms Clayton with sufficient time to undertake the following:

- i her attendance at the next review hearing;*

- ii *provide a reflective piece addressing the issues identified in this case, including in respect of social work standards and professional ethics and in particular a commentary regarding the potential impact of her actions on vulnerable service users;*
- iii *to source and undertake training in respect of (ii) above;*
- iv *to provide recent testimonials and/or character references from current and/or previous employers (whether paid or unpaid) attesting to her honesty and integrity; and*
- v. *to furnish the evidence, requested of her, in respect of her daughter's surgery and the adjourned hearing on 06 October 2023.*

Social Work England submissions:

13. Social Work England submitted that Ms Clayton had not engaged with the Case Review team, had not engaged with the recommendations of the previous panel and had not provided any evidence to demonstrate remediation. In these circumstances Social Work England invited the panel to conclude that Ms Clayton's fitness to practise continued to be impaired for the reasons stated by the previous panel and that a Removal Order was now the appropriate and proportionate sanction.

Social worker submissions:

14. The panel received no submissions from Ms Clayton.

Panel decision and reasons on current impairment:

15. In considering the question of current impairment, the panel undertook a comprehensive review of the existing order in the light of the current circumstances as they appeared from all the documentation prepared for use at this meeting. It considered the decisions of the panel which imposed the initial order (quoted extensively in the previous panel's determination) and the decision of the previous reviewing panel. However, it has exercised its own judgement in relation to the question of current impairment. The panel also had regard to Social Work England's 'Impairment and sanctions guidance'.
16. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in

declaring and upholding proper standards of behaviour and maintain public confidence in the profession.

17. The panel noted that there had been no communication from Ms Clayton in relation to this review meeting. Ms Clayton had not made any attempt to follow the recommendations made by the previous reviewing panel. She had not submitted any information which might indicate that she had attempted to reflect upon and remediate her misconduct. There was therefore no evidence of developed, or developing, insight. In these circumstances, the panel concluded that there remained a risk of repetition of the misconduct and that Ms Clayton's personal fitness to practise was still impaired.
18. Further, the panel was satisfied that a finding of impairment was also required to safeguard the public interest. A responsible and fully informed member of the public would be very concerned to learn that a social worker against whom a number of findings of dishonesty had been made had taken no steps to reflect upon and remediate her misconduct.
19. This panel therefore concluded that Ms Clayton's fitness to practise continued to be impaired for the reasons given by the first reviewing panel and by her continued failure to take any constructive steps to address the implications of her misconduct.

Decision and reasons:

20. Having found that Ms Clayton's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made on behalf of Social Work England along with all the information contained in the bundle of documents prepared for this meeting. It accepted the advice of the legal adviser and took into account the "Impairment and sanctions guidance" published by Social Work England. The panel was mindful that the purpose of any sanction is not to punish Ms Clayton but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Clayton's interests with the public interest.
21. The panel first considered taking no action. It concluded that this would be insufficient to protect the public as it would leave serious concerns unaddressed. Further, such a course would undermine the reputation of the profession and would not inspire confidence in its regulation.
22. The panel next considered whether a warning order would be sufficient. It concluded that it would not. It would not adequately address the seriousness of the concerns raised by Ms Clayton's misconduct and it would allow her to resume unrestricted practice while these concerns remained outstanding. Further, it would not be sufficient to satisfy the public interest.

23. The panel next considered a conditions of practice order. It concluded that this would be inappropriate. The misconduct in this case arose from findings of dishonesty and these were attitudinal in nature and not usually amenable to conditions of practice. Further, Ms Clayton had not engaged with the recommendations made by previous panels and this panel could have no confidence that she would engage with a conditions of practice order.
24. The panel next considered whether an extension of the period of suspension would be an appropriate and proportionate sanction. The panel recognised that such an order would protect the public for the period of its duration. However, it had regard to paragraph 138 of the “Impairment and sanctions guidance” which stated that suspension was likely to be unsuitable in cases where the social worker has not demonstrated any insight or remediation and there is limited evidence to suggest they are willing to remediate their failings.
25. In the present case, Ms Clayton has now been subject to two periods of suspension and has not produced any evidence of reflection or remediation. Although she had earlier referred to some personal difficulties, she has not produced any independent evidence of these personal difficulties, despite being expressly asked to do so. She has failed to respond to the present Notice of Hearing. This panel has concluded that her insight in relation to the seriousness of her misconduct is deficient and it has received no evidence to suggest that she is willing to take steps to remediate her misconduct.
26. In these circumstances this panel has concluded that a further period of suspension would not be an appropriate or proportionate response to the present situation.
27. The panel recognised that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. In this panel’s judgment a removal order is now necessary to protect the public, maintain confidence in the profession and maintain proper professional standards for social workers in England.
28. Accordingly, the panel directs that Ms Clayton’s name is removed from the register of social workers.

Right of appeal:

29. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,

- b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
- 30. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
- 31. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
- 32. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority

- 33. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at: <https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>